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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHARON STOLTZFUS, an individual;

Plaintiff,

V.

BROTHERHOOD MUTUAL INSURANCE COMPANY, an Indiana insurance company; BROTHERHOOD MUTUAL INSURANCE SERVICES, LLC, an Indiana limited liability company; and ROE BUSINESS ENTITIES I to X, inclusive; collectively,

## Defendants.

Case No.: 2:23-cv-01100 -CDS-BNW

**JOINT CONFERENCE REPORT  
UNDER RULE 26(f) AND STIPULATED  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH  
LR 26-1(b)**

Plaintiff SHARON STOLTZFUS, by and through her attorneys of the law firms of LOBELLO LAW OFFICES LLC and GALLIAN WELKER & ASSOCIATES, L.C., and Defendants BROTHERHOOD MUTUAL INSURANCE COMPANY and BROTHERHOOD MUTUAL

1 INSURANCE SERVICES, LLC (collectively, "Defendants"), by and through the law firm of  
 2 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON & SLUGA, LLC, hereby submit this Joint Conference  
 3 Report under Fed. R. Civ. P. Rule 26(f) and Stipulated Discovery Plan and Scheduling Order,  
 4 Submitted in Compliance with LR 26-1(b).

5 The instant matter was initiated in this Court by Defendants' Notice of Removal [ECF No.  
 6 1] of Eighth Judicial District Court Case No. A-23-872524-C on July 14, 2023, pursuant to 28  
 7 U.S.C. § 1332, which prior case was filed on June 16, 2023. Service in Case No. A-23-872524-C  
 8 was effected on both Defendants on June 30, 2023. Plaintiff did not oppose the Notice of  
 9 Removal, and Defendants filed their Answer herein on July 14, 2023. *See* ECF No. 3.

10 On August 2, 2023, pursuant to Fed. R. Civ. P. Rule 26(f) and LR 26-1(a), attorneys C.  
 11 Conrad LoBello, Esq., on behalf of Plaintiff, and Scott B. Van Alfen, Esq., on behalf of  
 12 Defendants, communicated regarding preservation and presentation of discovery and a proposed  
 13 discovery plan. The Parties are not currently aware of any issues about disclosure, discovery, or  
 14 preservation of electronically stored information. Other than as described herein at paragraph 2,  
 15 the Parties agree that no changes should be made in the limitations on discovery imposed under  
 16 the Federal Rules of Civil Procedure or by local rule. Subject to reasonable best estimates of time  
 17 by respective counsel for disposition of the pending motions to dismiss and filing of answers by  
 18 Defendants, counsel for the Parties hereby submit the following Stipulated Discovery Plan and  
 19 Scheduling Order:

- 20     1) Initial Pre-Trial Disclosure Date, pursuant to Fed. R. Civ. P. Rule 26(a)(1)(C): The  
       21        parties propose that they shall make their initial disclosures of information required  
       22        by Fed. R. Civ. P. 26(a)(1) by **Wednesday, September 6, 2023**. No changes need be  
       23        made to the form or requirements of such disclosures.
- 24     2) Areas of Discovery: Discovery will be conducted on all issues including, but not  
       25        limited to, all claims and defenses within the scope of the pleadings consistent with  
       26        the Federal Rules of Civil Procedure and the Local Rules of this District. Discovery,  
       27        unless otherwise ordered by the Court, shall be limited as follows:  
       28         a. Depositions (fact and expert) Pursuant to Fed. R. Civ. P. 30 – no limit;

- b. Interrogatories Pursuant to Fed. R. Civ. P. 33 – twenty-five (25) per party;
- c. Requests to Produce Pursuant to Fed. R. Civ. P. 34 – forty (40) per party;
- d. Requests for Admissions Pursuant to Fed. R. Civ. P. 36 – forty (40) per party.

3) Discovery Cut-Off Date: The discovery period is **October 14, 2024**, fifteen (15) months from the date Defendants filed their answer.

4) Expert Discovery Cut-Off Date: The discovery period for experts is until **January 14, 2025**, eighteen (18) months from the date Defendants filed their Answer.

5) Deadline for Amending the Pleadings and Adding Parties: **July 16, 2024**.  
This is ninety (90) days before the discovery cut-off date and does not exceed the outside limit LR 26-1(b)(2) presumptively sets of not less than ninety (90) days prior to the close of discovery for filing such motions.

6) Deadline to Disclose Experts and Expert Reports: **August 15, 2024**  
This deadline is sixty (60) days before the discovery cut-off date.

7) Deadline for Rebuttal Experts and Rebuttal Expert Reports: **September 14, 2024**  
This deadline is thirty (30) days after expert disclosure.

8) Deadline for Dispositive Motions: **February 13, 2025**  
This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(b)(4) presumptively sets for filing dispositive motions.

9) Deadline for Joint Pretrial Order: **March 11, 2024**. This is thirty-one (31) days after the dispositive motion deadline. If any dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until thirty (30) days after the Court renders a decision on the dispositive motions or enters further Court order. The disclosures required by Fed. R. Civ. P. Rule 26(a)(3) and any objections to them must be included in the joint pretrial order.

10) Trial Readiness and Length: This case should be ready for trial by **May 5, 2025**. It is anticipated that a jury trial will last ten (10) days.

11) Settlement: The parties have not discussed settlement at this time.

1           12) Alternative Dispute Resolution: With regard to alternative dispute resolution  
2           processes including mediation and arbitration, the Parties do not believe arbitration,  
3           mediation, or early neutral evaluation to be appropriate at this time but remain willing  
4           to discuss the possibility throughout the duration of litigation.

5           13) Alternative Forms of Case Disposition: With regard to trial by a magistrate judge  
6           under 28 U.S.C. § 636(c) and Fed. R. Civ. P. Rule 73 or the use of the Short Trial  
7           Program (General Order 2013-01), the Parties do not consent to trial by a magistrate  
8           judge or the use of the Short Trial Program.

9           14) Evidence by Electronic Format: Discovery of electronically stored information shall  
10           be handled pursuant to the Federal Rules of Civil Procedure. Counsel for the parties  
11           certify that they are in agreement that evidence may be presented in electronic format  
12           to jurors for the purposes of jury deliberations. The Parties currently have no  
13           stipulations regarding such evidence.

14           15) Later Appearing Parties: A copy of this discovery plan and scheduling order shall be  
15           served on any person served after it is entered or, if additional defendants should  
16           appear, within five (5) days of their first appearance. This discovery plan and  
17           scheduling order shall apply to such later appearing parties, unless a stipulation of the  
18           parties is approved by the Court or the Court, on motion for good cause, orders  
19           otherwise.

20           16) Extensions or Modifications of the Discovery Plan and Scheduling Order: Pursuant  
21           to LR 26-3, a motion or stipulation to extend any date set by the discovery plan,  
22           scheduling order, or other order, must in addition to satisfying the requirements of  
23           LR IA 6-1, be supported by a showing of good cause for the extension; be received  
24           by the court no later than twenty-one (21) days before the expiration of the subject  
25           deadline; and any request within twenty-one (21) days of the subject deadline must  
26           be supported by a showing of good cause. Any request made after the expiration of  
27           the subject deadline will not be granted unless the movant also demonstrates that the  
28

1 failure to act was the result of excusable neglect. The motion or stipulation to extend  
2 a discovery deadline or to reopen discovery must include:

3 a. A statement specifying the discovery completed;  
4 b. A specific description of the discovery that remains to be completed;  
5 c. The reasons why the deadline was not satisfied or the remaining discovery  
6 was not completed within the time limits set by the discovery plan; and  
7 d. A proposed schedule for completing all remaining discovery.

8 **IT IS SO STIPULATED.**

9 DATED this 2<sup>nd</sup> day of August 2023.

10 LOBELLO LAW OFFICES LLC

11 /s/ Charles C. LoBello

12  
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*Attorneys for Plaintiff*

DATED this 2<sup>nd</sup> day of August 2023.

CHRISTIAN, KRAVITZ, DICHTER,  
JOHNSON & SLUGA, LLC

/s/ Scott B. Van Alfen

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*Attorneys for Defendant BROTHERHOOD  
MUTUAL INSURANCE COMPANY and  
BROTHERHOOD MUTUAL INSURANCE  
SERVICES, LLC*

23 **ORDER**

24 IT IS ORDERED that ECF No. 6 is DENIED for failure to  
25 show good cause for the requested 15-month discovery  
period.

26 IT IS FURTHER ORDERED that the parties are to file a  
27 revised proposed Discovery Plan and Scheduling Order  
28 by 8/11/2023.

IT IS SO ORDERED  
DATED: 7:48 pm, August 06, 2023

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE  
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**Charles LoBello**

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**From:** Scott Van Alfen <SVanAlfen@ksjattorneys.com>  
**Sent:** Wednesday, August 2, 2023 3:16 PM  
**To:** Charles LoBello  
**Subject:** RE: Stoltzfus adv. Brotherhood Insurance

Mr. LoBello,

I have reviewed the attached Report and am in agreement to the terms and conditions. You can go ahead and attach my electronic signature to the document.

Thank you

Scott B. Van Alfen

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**From:** Charles LoBello <clobello@lobellolawlv.com>  
**Sent:** Wednesday, August 2, 2023 3:03 PM  
**To:** Scott Van Alfen <SVanAlfen@ksjattorneys.com>  
**Cc:** Mike Welker <welker@utahcase.com>  
**Subject:** Stoltzfus adv. Brotherhood Insurance

Scott,

Please see attached Report, revised per our conversation earlier today. Please confirm that I have authorization to add your electronic signature to this document.

Thank you for your attention.

*C. Conrad LoBello, Esq.*

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